IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

WP(C).No. 5241 of 2007(Y)

OS.1289/2004 of II ADDL.M.C., ERNAKULAM
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PETITIONER:

ABRAHAM, S/O.THOMAS VARGHESE,
SHARON HOUSE, VYTTILA, COCHIN-19.

BY ADV. SRI.P.P.JACOB
SRI.B.MANIMOHAN
SRI.N.T.SATHYAVAN

RESPONDENTS:
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1. K.NEELAKANTAN, S/O.SANKARAN NAMBEESAN,
POOVATHU VEETTIL, PONIMANA P.O.,
OTTAPALAM, PALAKKAD.

2. REJI THOMAS, S/O.THOMAS,
PARUVAPPARAMBIL BUILDING, BHAGATSINGH ROAD,
VYTTILA-19.

3. TITUS JOHN, SAJITH COTTAGE,
PRAYER P.O., OCHIRA, ALLEPPEY.

R1 & R2 BY ADV. SRI. ABRAHAM JOHN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT. P1 TRUE PHOTOCOPY OF IA 1208/05 FILED BY 2ND RESPONDENT DT.10.1.05.

EXT.P2 TRUE PHOTOCOPY OF IA 6675/06 FILED BY 2ND RESPONDENT DT.28.7.06.

EXT.P3 TRUE PHOTOCOPY OF COUNTER AFFIDAVIT FILED BY THE PETITIONER TO IA 6675/06 DT.29.7.06.

EXT.P4 TRUE PHOTOCOPY OF REVIEW PETITION FILED BY PETITIONER DT.20.9.06.

EXT.P5 TRUE PHOTOCOPY OF ORDER IN WPC 25623/06 DT.28.9.06.

EXT.P6 TRUE COPY OF MEMO DATED 28.9.06 FILED IN O.S. 1289/04 BY PETITIONER.

EXT.P7 TRUE COPY ORDER DATED 18.11.06 IN IA 8793/06.

EXT.P8 TRUE COPY OF ORDER DATED 19.9.06 IN IA 6675/06.

EXT.P9 TRUE COPY OF I.A.11439/06 FILED BY PETITIONER IN O.S. 1289/04 DATED 4.12.06.

EXT.P10 TRUE COPY OF I.A.11439/06 FILED BY PETITIONER IN O.S. 1289/04 DATED 4.12.06.

[True copy]

P.A. to Judge.

M.N. KRISHNAN, J.

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W.P.C. NO. 5241 OF 2007

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Dated this the 28th day of May, 2007.

J U D G M E N T

This writ petition is filed seeking to quash Exts.P7 and P8 and for a direction to the Addl. Munsiff Court, Ernakulam to dispose of Exts.P9 and P10 without delay. The challenge in this writ petition is against the order of impleadment and for setting aside the writ petitioner exparte in the proceedings. I am informed that the original suit has already been decreed exparte and a petition is pending for setting aside the exparte decree. As things stand today, there is no suit pending before any Court and therefore the prayer to quash Exts.P9 and P10 cannot be done. Therefore, the writ petition has become infructuous and it is dismissed.

M.N. KRISHNAN, JUDGE.

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